

116TH CONGRESS  
1ST SESSION

# S. 1073

To amend the Child Abuse Prevention and Treatment Act to ensure protections for lesbian, gay, bisexual, and transgender youth and their families.

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## IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. Kaine (for himself and Ms. Baldwin) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Child Abuse Prevention and Treatment Act to ensure protections for lesbian, gay, bisexual, and transgender youth and their families.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protecting LGBTQ  
5 Youth Act”.

**6 SEC. 2. AMENDMENTS TO CAPTA.**

7       The Child Abuse Prevention and Treatment Act (42  
8 U.S.C. 5101 et seq.) is amended—

9                   (1) in section 104 (42 U.S.C. 5105)—

- 1                             (A) in subsection (a)—
  - 2                                 (i) in paragraph (1)—
    - 3                                     (I) by redesignating subparagraphs (N) and (O) as subparagraphs
    - 4                                     (O) and (P), respectively;
    - 5                                     (II) by inserting after subparagraph (M) the following:

6                                     “(N) child abuse and neglect issues facing  
7                                     lesbian, gay, bisexual, and transgender youth  
8                                     and families, including providing recommendations for improving the collection of data at the  
9                                     Federal, State, and local levels to better identify  
10                                     young people who may be at risk of, or experiencing, child abuse or neglect because of their  
11                                     sexual orientation or gender identity;”;
  - 12                                 (III) in subparagraph (O), as so  
13                                     redesignated, by striking “subparagraph (O)” and inserting “subparagraph (P)”; and
  - 14                                 (IV) in clause (ix) of subparagraph (P), as so redesignated, by inserting “(including sexual orientation and gender identity)” after “sex”; and

1                             (ii) in paragraph (2), by striking  
2                             “paragraph (1)(O)” and inserting “para-  
3                             graph (1)(P)”;  
4                             (B) in subsection (b), by inserting “or les-  
5                             bian, gay, bisexual, and transgender youth”  
6                             after “children with disabilities”;  
7                             (2) in section 105(a)(1)(E) (42 U.S.C.  
8                             5106(a)(1)(E)), by inserting “and lesbian, gay, bi-  
9                             sexual, and transgender youth” after “children with  
10                            disabilities”;  
11                             (3) in section 106(d)(1) (42 U.S.C.  
12                             5106a(d)(1)), by inserting “, disaggregated by de-  
13                             mographic characteristics such as age, sex (including  
14                             sexual orientation and gender identity), race, family  
15                             structure, household relationship, school enrollment  
16                             and education attainment, disability, grandparents  
17                             as caregivers, labor force status, work status in pre-  
18                             vious year, and income in previous year” before the  
19                             period;  
20                             (4) in section 107 (42 U.S.C. 5106c)—  
21                                 (A) in subsection (a)—  
22                                     (i) by redesignating paragraphs (3)  
23                                     and (4) as paragraphs (4) and (5), respec-  
24                                     tively; and

1                                 (ii) by inserting after paragraph (2)  
2                                 the following:

3                                 “(3) the assessment and investigation of cases  
4                                 involving lesbian, gay, bisexual, and transgender  
5                                 youth who are suspected victims of child abuse or  
6                                 neglect;”;

7                                 (B) in subsection (b)(5), by striking “para-  
8                                 graphs (1) through (3)” and inserting “para-  
9                                 graphs (1) through (4); and

10                                 (C) in subsection (c)(1)—

11                                 (i) by redesignating subparagraphs  
12                                 (G) through (J) as subparagraphs (H)  
13                                 through (K), respectively; and

14                                 (ii) by inserting after subparagraph  
15                                 (F) the following:

16                                 “(G) individuals experienced in working  
17                                 with lesbian, gay, bisexual, and transgender  
18                                 youth and families;”;

19                                 (5) in section 201(b)(1)(G) (42 U.S.C.  
20                                 5116(b)(1)(G)), by inserting “(including lesbian,  
21                                 gay, bisexual, and transgender youth and families)”  
22                                 before the semicolon;

23                                 (6) in section 202 (42 U.S.C. 5116a)—

24                                 (A) in paragraph (2)—

- 1   (i) in subparagraph (A), by inserting  
2   “and families with other vulnerable youth,  
3   including lesbian, gay, bisexual, and  
4   transgender youth” before the semicolon;  
5   and
  - 6   (ii) in subparagraph (B), by striking  
7   “and public sector and private nonprofit  
8   sector service providers, and parents with  
9   disabilities” and inserting “public sector  
10   and private nonprofit sector service pro-  
11   viders, parents with disabilities, and par-  
12   ents of other vulnerable youth, including  
13   lesbian, gay, bisexual, and transgender  
14   youth”; and
- 15   (B) in paragraph (3)—
- 16   (i) in subparagraph (C), by striking “;  
17   and” and inserting a semicolon;
  - 18   (ii) in subparagraph (D), by striking  
19   the period and inserting “; and”; and
  - 20   (iii) by adding at the end the fol-  
21   lowing:
- 22   “(E) will integrate its efforts with individ-  
23   uals and organizations experienced in working  
24   in partnership with families with vulnerable  
25   youth, including lesbian, gay, bisexual, and

1           transgender youth, and with the child abuse  
2           and neglect prevention activities of the State,  
3           and demonstrate a financial commitment to  
4           those activities.”; and

5           (7) in section 206(4) (42 U.S.C. 5116f(4)), by  
6           striking “and parents with disabilities” and inserting  
7           “parents with disabilities, and families with other  
8           vulnerable youth, including lesbian, gay, bisexual,  
9           and transgender youth”.

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